

12/1/86

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of)	
)	
LTV Steel Company,)	Docket No. TSCA-V-C-495
)	
Respondent)	

DEFAULT ORDER

This is a proceeding under the Toxic Substances Control Act, Section 16(a), 15 U.S.C. 2615(a) for the assessment of civil penalties for alleged violations of a rule issued under Section 6(a) of the Act, 15 U.S.C. 2605 (a), regulating the manufacturing, processing, distribution, use, disposal, storage and marking of polychlorinated byphenyls, 40 C.F.R. Part 761. 1/ The complaint, issued by EPA Region V, alleged that Respondent LTV Steel Company, Inc. had improperly disposed of PCBs. A penalty of \$25,000 was requested. Respondent answered admitting the violation but contending that a civil penalty was inappropriate, and requesting a hearing.

Respondent has now filed a notice withdrawing its request for a hearing and consenting to the issuance of an order assessing the penalty proposed in the complaint, and in the alternative has moved to strike its answer and

1/ TSCA, Section 16(a) provides in pertinent part as follows: "(1) Any person who violates a provision of Section 15 shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 for each such violation. Each day such violation continues shall, for the purposes of this subsection, constitute a separate violation of Section 15."

TSCA, Section 15, makes it unlawful among other acts, for any person to "(1) fail or refuse to comply with . . . (c) any rule promulgated . . . under Section . . . 6."

issue a default order on consent assessing the penalty proposed in the complaint. Complainant in its response says it has no objection to Respondent's notice of withdrawal and motion in the alternative, and further states that a default order is appropriate.

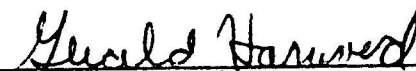
On consideration of Respondent's motion and Complainant's response thereto, Respondent's answer is stricken. Respondent is found in default and an order assessing the penalty proposed in the complaint is issued.

ORDER 2/

Pursuant to Section 16(a) of the Toxic Substances Control Act, 15 U.S.C. 2615(a), a civil penalty of \$25,000, is hereby assessed against Respondent LTV Steel Company, Inc.

Payment of the full amount of the civil penalty assessed shall be made within sixty (60) days of the service of the final order by submitting a certified or cashier's check payable to the United States of America and mailed to:

EPA - Region V
(Regional Hearing Clerk)
P.O. Box 70753
Chicago, IL 60673



Gerald Harwood
Administrative Law Judge

Dated: May 21, 1986
Washington, D.C.

2/ Unless an appeal is taken pursuant to the Rules of Practice, 40 C.F.R. 22.30, or the Administrator elects to review this decision on his own motion, the Default Order shall become the final order of the Administrator. See 40 C.F.R. 22.27(c).